

WGB/Imm/Doc#1900727

4623-08006

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OTIS ELEVATOR,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:08-cv-01107
)	
EMERSON ELECTRIC CO. d/b/a)	Judge Ronald A. Guzman
U. S. ELECTRICAL MOTORS, INC., and)	Magistrate Judge Sidney I. Schenkier
CHAMPLAIN CABLE CORPORATION,)	
)	
Defendants.)	

**AGREED MOTION OF DEFENDANT, EMERSON ELECTRIC CO., FOR A FINAL
10-DAY ENLARGEMENT OF TIME IN WHICH TO FILE ITS ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT**

NOW COMES one of the defendants herein, EMERSON ELECTRIC CO., by and through its attorney, William G. Beatty; Johnson & Bell, Ltd., of counsel, and for its Agreed Motion for a final 10-day enlargement of time, to and including July 25, 2008, in which to file its responsive pleadings to the plaintiff's Complaint in this cause, here states as follows:

1. Pursuant to the Court's most recent Order in this case, the responsive pleadings of defendant, Emerson Electric Co., are due on Tuesday, July 15, the day before the parties are to hold a status conference with the Court to discuss the parties' proposed scheduling order previously filed with the Court.

2. A draft of Emerson's responsive pleading, consisting of an answer and affirmative defenses, was circulated among certain in-house counsel for Emerson for review and approval prior to filing, but additional information recently received from the client, as well as information gathered during the course of the ongoing joint investigation being conducted by the parties,

necessitated a revision of the proposed answer and affirmative defenses so that the pleading that is filed with the Court is accurate in all respects.

3. The Complaint in this cause is quite lengthy and detailed, consisting of six counts and over 100 paragraphs, most of which contain fairly detailed allegations requiring a detailed response rather than a simple admission or denial.

4. A revised draft of Emerson's answer and affirmative defenses has been prepared, which takes into account all recently received information, and will be circulated among Emerson's in-house counsel for review and approval.

5. Defendant Emerson respectfully requests a final 10-day enlargement of time, to and including Friday, July 25, 2008 in which to file its answer and affirmative defenses. By that time, Emerson will also know whether an additional party, known as EIS, Inc. (a distributor of the wire used for the electric motors in question) will have to be joined as a third-party defendant in this case, and if so, defendant Emerson will ask for leave of Court to file a third-party complaint against EIS, Inc.

6. Counsel for defendant Emerson, William G. Beatty, spoke by telephone with attorney Thomas Baker, attorney for Otis, concerning the requested extension of time, and Mr. Baker kindly stated that he had no objection to the requested 10-day extension.

7. No further extension will be requested by Emerson regarding its responsive pleadings, and no party will be prejudice by the granting of this motion, nor will the granting of the motion unduly delay any aspect of this case, insofar as the parties are currently conducting an ongoing factual investigation with respect to the problems claimed to have been experienced by Otis involving certain of its customers in the field, in order for the parties to determine if this case can be resolved without litigation or trial.

WHEREFORE, the defendant, EMERSON ELECTRIC CO., in order to finalize a good-faith responsive pleading to the plaintiff's Complaint, respectfully prays for the entry of an order granting said defendant a final 10-day enlargement of time, to and including July 25, 2008, in which to file its answer and affirmative defenses to the plaintiff's Complaint.

Respectfully submitted,

s/ William G. Beatty

William G. Beatty Bar Number: 03121542

One of the attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2008, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

s/ William G. Beatty

William G. Beatty Bar Number: 03121542

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